

Automated License Plate Readers (ALPRs): FLOCK

424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

At this time the Tewksbury Police Department utilizes stationary Flock Safety license plate reader cameras which are positioned facing public roadways and designed to capture single photo images of license plates attached to passing vehicles. Flock cameras are not equipped with live-feed capabilities and they do not provide real-time video monitoring. The cameras field of view is fixed and cannot be remotely panned, tilted, or repositioned. The cameras do not have facial recognition technology or other biometric identification capabilities and they do not capture any personal identifying information other than the license plate and vehicle. The system is not authorized or configured for automated traffic enforcement and shall not be used as the basis for issuing traffic citations, summonses, or other civil motor vehicle infractions.

424.2 DEFINITIONS

Automated License Plate Reader (ALPRs)- A device that passively records license plates of vehicles.

Fixed ALPR System- ALPR cameras that are affixed to a structure, such as a pole, a traffic barrier, or a bridge.

Hit- Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

Hot List- A list of plates associated with a criminal activity, public safety concern, or investigative interest pertaining to a pending criminal investigation, or any information that is entered manually by an approved operator.

User- Any individual who is authorized to access information and use the ALPR system.

424.3 POLICY

It is the policy of the Tewksbury Police Department that ALPR systems and their associated data be used to quickly identify vehicles of interest to further efficient and effective police operations with consideration for public and officer safety and protection of civil liberties.

424.4 GENERAL

1. The use of ALPR systems and associated data is restricted to official purposes only.

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2. ALPR systems and associated data are the property of this department and are intended for use in conducting official business.
3. Misuse of this equipment and associated databases or data may be subject to sanctions and/or disciplinary actions.
4. Department users shall ensure that human verification takes place prior to any action taken as a result of an ALPR hit, and for any data that is entered into the system.

424.4 ADMINISTRATION

This Department is responsible for the following:

1. Designating an employee to be the ALPR Program Administrator to have administrative oversight for all ALPR system matters, including, but not limited to deployment, installation, maintenance, and operations.
2. Establishing protocols for access, collection, storage, and retention of ALPR data and associated media files.
3. Closely safeguarding ALPR data using both procedural and technological means.
4. Establishing protocols to preserve and document ALPR reads and alerts that are acted on in the field or associated with investigations or prosecutions.
5. Establishing protocols to ensure the security, integrity, and accuracy of data entered, captured, stored, and/or retained by the ALPR system.
6. Ensuring the proper selection and training of the personnel approved to operate/access the ALPR system.
7. Authorizing any requests for ALPR data access/sharing according to the policies and guidelines of this agency.
8. Establishing regular audits of system use and data access.

424.5 ALPR OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) Only authorized personnel shall be permitted to access the department's ALPR system and its associated data.
- (b) An ALPR shall only be used for official law enforcement business.
- (c) An ALPR may be used in conjunction with patrol operations or criminal investigations, for legitimate law enforcement purposes, when it is reasonable to believe use of the ALPR system could assist in identifying involved vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access confidential department, commonwealth, or federal data unless authorized to do so.

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- (f) License plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system when the ALPR system could be utilized to identify involved vehicles.
- (g) Searches of historical data within the ALPR system shall be done in accordance with established departmental policies and procedures.
- (h) When a search is conducted through the ALPR system, the officer conducting the search is required to select the appropriate 'offense type' from the drop down menu, enter the associated case number, and enter the search reason. A case number shall be assigned to every FLOCK search through either an associated log entry or report through the RMS system, as appropriate, and the reason for the search shall be documented in the associated RMS entry.
- (i) Manual additions can be added to the Hot List by department approved operators. All manual entries remain active on the ALPR system until it is deemed necessary to remove the entry or an expiration date is set. The reason for the manual entry shall be documented. Examples of manual entries of a license plate number are but are not limited to:
 - 1. BOLO (Be On Look Out)
 - 2. Stolen Vehicles
 - 3. Missing Person(s)
 - 4. Amber/Silver/Blue Alerts
 - 5. Child Abduction
 - 6. Wanted Person(s)
 - 7. Sex Offenders
 - 8. Terrorist Watch List
 - 9. Investigative Purposes
- (j) Prior to initiation of any action from an ALPR alert, officers shall take the following actions:
 - 1. Visually verifying that the vehicle plate number matches the plate number and state run by the ALPR system, including characters of the license plate and the state of issuance.
 - 2. Verify the 'hit' through an appropriate law enforcement database.
 - 3. Prior to taking any law enforcement action, the Officer must receive confirmation through an appropriate law enforcement database that the license plate is still stolen, wanted, and/or of interest before proceeding with any actions. A visual audible alarm (hit), shall not be a basis for any law enforcement actions.
 - 4. Once the verification has been satisfied, the officer may then attempt to make contact with the vehicle and its occupants.

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- (k) Once a Custom Hot List "hit" has been received and acted upon, the entry should be removed, or information updated immediately by the ALPR operator to avoid repeated unnecessary stops and/or interactions.

424.7 AUTHORIZED USERS

Access to the ALPR system and associated database(s) will be determined by the Chief of Police and granted by the Program Administrator. Access is limited to sworn law enforcement supervisors and detectives of the Tewksbury Police Department. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.

Users accessing the ALPR system are accessing a restricted information system for authorized use, in compliance with the FBI CJIS Security Policy. Users agree to use the system in accordance with the laws of their jurisdiction. Users consent to their usage being monitored, recorded, and audited. Unauthorized or improper use may lead to disciplinary action, criminal and/or civil legal penalties.

424.8 DATA COLLECTION AND RETENTION

All data is stored and encrypted by Flock Safety for 30 days. Thereafter, ALPR data is purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence by the ALPR operator.

As a Customer and Law Enforcement Agency partner of Flock Safety, members of the Tewksbury Police Department have complete access to the data and are the gatekeepers for who views it. Flock does not use the data gathered by Tewksbury Police Department license plate readers for any purpose.

Data entries are logged in an event Log and an outcomes Log within the insights portal on the navigation bar. The Program Administrator can access a report of all inputs into the system by Tewksbury Police Department users (custom hotlist entries, BOLO's, etc) as well as access a search audit log.

424.9 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.

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4. The case number associated with the request.
- (b) The request is reviewed by the Program Administrator or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

The Tewksbury Police Department limits its Flock network sharing capabilities to law enforcement agencies located within the Commonwealth of Massachusetts. Network sharing shall be conducted in accordance with applicable laws, regulations, departmental policies and Flock network protocols. In exigent circumstances, when the sharing of information is reasonably necessary to address an immediate threat to public safety, the department may authorize Flock network sharing capabilities with law enforcement agencies outside the Commonwealth of Massachusetts. Any out-of-state network sharing conducted under exigent circumstances shall be limited to the scope and duration reasonably necessary to address the exigency and shall be consistent with applicable law and departmental policy. The circumstances necessitating the out-of-state sharing shall be documented by the department.

Members of the Tewksbury Police Department are prohibited from conducting hotlist requests for outside agencies.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

424.10 AUDITING

The Program Administrator shall conduct regular reviews of access logs and data usage patterns to ensure that data is accessed and used appropriately. Routine audits shall include:

1. Quarterly audits of the FLOCK system. The quarterly audits will be conducted based off a random sampling of officers and random sampling of their queries. The audits will be documented and uploaded into the Guardian Tracking System.
2. Review of the daily FLOCK logs. The daily logs shall be stored on the PoliceFiles server.
3. Utilization of FLOCK audit assistance and the review of any activity flags triggered by the audit assistance tool.
4. Periodic audits of Hotlists created by officers and purge or update lists as necessary.

These regular reviews shall ensure the following:

1. Accuracy, completeness, and security of the department's ALPR data;
2. Review of system access logs to monitor who accessed ALPR data, when, and for what purpose; and,
3. Continued compliance with applicable laws, regulations, and internal policies governing ALPR use and data.

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424.11 TRAINING

The department shall ensure that authorized ALPR users receive initial and refresher training to remain in compliance with current policies and regulations on ALPR usage and the distribution and retention of associated data as well as a copy of this policy.